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**Department of Energy**  
**Ohio Field Office**  
**Fernald Environmental Management Project**  
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SEP 17 2004

Mr. Gene Jablonowski, Remedial Project Manager  
United States Environmental Protection Agency  
Region V, SR-6J  
77 West Jackson Boulevard  
Chicago, Illinois 60604-3590

DOE-0406-04

Mr. Tom Schneider, Project Manager  
Ohio Environmental Protection Agency  
401 East 5<sup>th</sup> Street  
Dayton, Ohio 45402-2911

Dear Mr. Jablonowski and Mr. Schneider:

**EXTENSION OF AMENDED CONSENT AGREEMENT MILESTONE FOR INITIATION OF SILO  
3 REMEDIATION FACILITY OPERATIONS**

References: DOE Letter, DOE-0103-04, William J. Taylor to Gene Jablonowski and Tom Schneider, "Silo 3 Remedial Design/Remedial Action Package, Revision 2," dated January 21, 2004

Pursuant to the Consent Agreement as Amended under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) Sections 120 and 106(a) (ACA), the referenced Remedial Design/Remedial Action Package established a milestone of October 1, 2004 to initiate Silo 3 Remediation Facility operations. The purpose of this letter is to request a good-cause extension of the milestone consistent with Paragraph XVIII of the ACA.

The United States Environmental Protection Agency (U.S. EPA) and the Ohio Environmental Protection Agency (OEPA) have been informed of the Department of Energy's (DOE) efforts to implement the remedy for Silo 3 in accordance with its commitments under the ACA, through our weekly conference calls and various other communications. The DOE remains committed to resolving the legal issues with the State of Nevada, and continuing with implementation of the selected remedy for Operable Unit 4 (OU4).

As you are aware, the Standard Startup Review and Readiness Assessment Processes have been completed, all findings from the reviews have been closed, and the facility has been demonstrated to be ready to safely initiate operations. There remains considerable uncertainty in the timeframe for successful conclusion of DOE's efforts to confirm our ability to initiate disposal at the NTS. Therefore, the facility is being maintained in a physical state of readiness to allow startup within a two-week period.

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Mr. Jablonowski  
Mr. Schneider

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In an effort to proceed to the next steps in the approved remedy in the most expeditious manner, as we have recently discussed with you, DOE is in the process of evaluating potential alternatives to disposal at the NTS in parallel with its ongoing efforts to resolve issues with the State of Nevada. Preliminary evaluation has identified potential options, such as temporary offsite storage prior to transfer to the NTS or permitted commercial disposal facility, and alternate offsite disposal locations. Any consideration of temporary offsite storage would include the establishment of a regulatory milestone for initiation of permanent disposal to limit the allowable storage period.

These alternate paths could allow continuation of progress on the existing remedy by allowing an incremental step towards permanent offsite disposal. Expeditious implementation of subsequent closure activities such as Decontamination and Demolition of the silo structures and remediation facilities and disposition of underlying soils would also be ensured.

Since the scope, performance and cost of the current remedy will not be changed, adding the option for temporary offsite storage does not represent a fundamental change to the current remedy. DOE is, however, initiating preparation of an Explanation of Significant Differences (ESD) document to provide the option for offsite storage of treated Silo materials, if necessary, prior to final disposal. Although a formal public comment period is not required for an ESD, DOE is committed to continuing full public participation and will have a 30-day public comment period and public hearing regarding the ESD.

Necessary modifications of Remedial Action (RA) documentation will be prepared and submitted for review and approval in parallel with stakeholder involvement and regulatory review and approval of the ESD. DOE will submit a draft ESD to the U.S. EPA and OEPA for review no later than October 31, 2004. I appreciate the U.S. EPA's commitment to work with the DOE in expediting the preparation, review, and approval of these documents.

In order for DOE to fully evaluate alternatives to facilitate DOE's timely implementation of the selected remedy for OU4, and to plan and complete the necessary regulatory agency and stakeholder involvement activities, DOE respectfully requests an extension of the milestone for initiation of Silo 3 Remediation Facility operations to March 31, 2005.

DOE believes that the time required to fully evaluate the alternatives and implement the most timely and effective approach for completion of the Operable Unit 4 remedy provides good cause pursuant to Paragraph XVIII of the ACA for extension of the milestone.

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Mr. Jablonowski  
Mr. Schneider

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If you have any questions, please contact me at (513) 648-3101.

Sincerely,



William J. Taylor  
Director

FCP:Reising

cc:

J. Sattler, OH/FCP  
T. Schneider, OEPA-Dayton (three copies total of enclosure)  
G. Jablonowski, USEPA-V, SR-6J  
F. Bell, ATSDR  
M. Cullerton, Tetra-Tech  
M. Shupe, HSI GeoTrans  
R. Vandegrift, ODH  
AR Coordinator, Fluor Fernald, Inc./MS78  
S. Beckman, Fluor Fernald, Inc./MS20  
D. Carr, Fluor Fernald, Inc./MS1  
D. Edwards, Fluor Fernald, Inc./MS84  
ECDC, Fluor Fernald, Inc./MS52-7